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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,252	01/13/2004	Denise M. Eppich	MI22-2468	4388
21567	7590	09/29/2005	EXAMINER	
WELLS ST. JOHN P.S. 601 W. FIRST AVENUE, SUITE 1300 SPOKANE, WA 99201			FENTY, JESSE A	
			ART UNIT	PAPER NUMBER
			2815	
DATE MAILED: 09/29/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No. 10/757,252	Applicant(s) EPPICH ET AL.	
	Examiner Jesse A. Fenty	Art Unit 2815	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 69-81 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 69-81 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 69, 73, 74, and 76-81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tonti et al. (U.S. Patent No. 6,436,749 B1) in view of Zheng et al. (U.S. Patent No. 6,794,232 B2).

In re claims 69, 73, 76 and 77, Tonti (Figs. 4, 4A) discloses a semiconductor device comprising:

A dielectric layer (10) over a substrate;

A PMOS gate (FET 36) and an NMOS gate (FET 34) over the dielectric layer;

A first metal-containing material (16) within the PMOS gate and over the dielectric layer, the first metal-containing material having a thickness of greater than 20 angstroms;

A second metal-containing material (16) within the NMOS gate and over the dielectric layer, the second metal-containing material having a thickness of less than or equal to about 20 angstroms;

A first layer of n-type doped silicon within the PMOS gate and over the first metal-containing material; and

A second layer of n-type doped silicon within the NMOS gate and over the second metal-containing material.

Tonti discloses a titanium-nitride metal-containing layer (16) but does not expressly disclose the first metal containing layer having a thickness of greater than 20 angstroms nor the second metal containing layer having a thickness of less than or equal to 20 angstroms. Zheng (esp. Fig. 3-5 and 8) discloses a thin titanium nitride layer (604) with a thickness below 20 angstroms (Zheng, column 5, line 13) and a thicker titanium nitride layer (620) with a thickness over 20 (Zheng, column 5, line 17. It would have been obvious for one skilled in the art at the time of the invention to provide the layers as disclosed by Zheny for the device of Tonti for the purpose, for example, of enhancing the work function, and hence the performance of each device (Zheng; column 4, lines 63-67, columns 5-6).

In re claim 74, Tonti in view of Zheng discloses the device of claim 73, wherein the first and second metal-containing materials predominantly comprise tungsten nitride, tantalum nitride and tungsten nitride (Tonti; column 3, lines 1-2; Zheng – titanium nitride).

In re claims 78-80, Tonti in view of Zheng discloses the device of claim 69, wherein the second thickness is on the order of 100 or 150 angstroms.

In re claim 81, Tonti in view of Zheng discloses the device of claim 69, wherein the semiconductor device is a part of an electronic system (Tonti; Summary of the Invention).

3. Claims 70-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tonti/Zheng as applied to claim 1 above, and further in view of Taylor, Jr. et al. (U.S. Patent No. 6,573,160 B2).

In re claims 70-72, Tonti in view of Zheng disclose the device of claim 1 but does not expressly disclose the gate oxide layer comprising aluminum oxide. Taylor discloses the use of aluminum oxide and hafnium oxide (column 3, lines 57-67) as gate dielectric layer alternatives. It would have been obvious for one skilled in the art at the time of the invention to use a thin high-dielectric constant oxide as disclosed by Taylor for the device of Tonti/Zheng for the purpose, for example, of increasing the capacitance of the device (Taylor; column 1, lines 23-30).

4. Claim 75 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tonti/Zheng as applied to claim 73 above, and further in view of Lee (U.S. Patent No. 6,306,743 B1).

In re claim 75, Tonti in view of Zheng discloses the device of claim 73, but does not expressly disclose the first and second metal-containing materials comprising tungsten silicide. Lee discloses a gate structure (29) comprising a tungsten silicide layer (25). It would have been obvious for one skilled in the art at the time of the invention to use a tungsten silicide layer as disclosed by Lee for the device of Tonti/Zheng for the purpose, for example, of decreasing the resistance of the gate electrode.

Response to Arguments

9. Applicant's arguments filed 07/20/05 have been fully considered but they are not persuasive.

The Non-Final Rejection mailed 04/26/05 is maintained. Applicant argues that one of ordinary skill in the art would not modify the metal containing layer of Tonti with that of Zheng. Applicant bases their contention on the assumption that Tonti's layer to be modified layer of is the combination of layers (14) and (16). However, in the body of the rejection, Examiner cites that the metal-containing titanium nitride layer to be modified is the layer (16) of Tonti.

The disclosure of Zheng, despite the passages cited by Applicant on pp. 8 of the response, do not disclose that the metal-containing materials of Zheng cannot be used conjunctively with the polysilicon layers of Tonti. Such an argument is spurious, however, because Tonti disclose the use of the two different material layers together. The disclosure is relied upon to show that it was well known within the art at the time of the invention to vary the thicknesses of the titanium nitride layer of Tonti for a particular purpose. For these reasons, the rejection is maintained.

Conclusion

10. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within


Art Unit: 2815

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jesse A. Fenty whose telephone number is 571-272-1729. The examiner can normally be reached on 5/4-9 1st Fri. Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Thomas can be reached on 571-272-1664. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


TOM THOMAS
SUPERVISORY PATENT EXAMINER

Jesse A. Fenty
Examiner
Art Unit 2815